

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA  
VIDAL, *et al.*,

Plaintiffs,

v.

ELAINE C. DUKE, in her official capacity  
as Acting Secretary of Homeland Security,  
*et al.*,

Defendants.

No. 16-cv-4756 (NGG) (JO)

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity  
as President of the United States, *et al.*,

Defendants.

No. 17-cv-5228 (NGG) (JO)

**NOTICE OF MOTION TO DISMISS**

**PLEASE TAKE NOTICE** that, upon the Memorandum of Law, dated October 27, 2017, Defendants in the above-captioned actions will move this Court before the Honorable Nicholas G. Garaufis, United States District Judge, at the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time to be determined by the Court, to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6).

**PLEASE TAKE FURTHER NOTICE** that, pursuant to the schedule endorsed by the Court on October 24, 2017, Plaintiffs' opposition papers shall be served no later than 12:00 noon on November 1, 2017.

Dated: October 27, 2017

Respectfully submitted,

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